

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.
)	
Plaintiff,)	
	)	JUDGE
v.)	
)	
\$102,412.00 IN U.S. CURRENCY SEIZED)	
FROM DARNELL EMORY ON)	
FEBRUARY 13, 2019, PURSUANT TO)	
THE EXECUTION OF A SEARCH)	
WARRANT, and)	
)	
THREE (3) FIREARMS SEIZED FROM)	
DARNELL EMORY ON FEBRUARY 13,)	
2019, PURSUANT TO THE EXECUTION)	
OF A SEARCH WARRANT,)	
)	
Defendants.	)	COMPLAINT IN FORFEITURE

NOW COMES Plaintiff, the United States of America, by Justin E. Herdman, United States Attorney for the Northern District of Ohio, and James L. Morford and Margaret A. Sweeney, Assistant U.S. Attorneys, and files this Complaint in Forfeiture, respectfully alleging as follows in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

JURISDICTION AND INTRODUCTION

1. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. Section 1345, and over an action for forfeiture under 28 U.S.C. Section 1355(a). This Court also has jurisdiction over this particular action under 21 U.S.C.

Section 881(a)(6) (currency), 21 U.S.C. Section 881(a)(11) (firearms), and 18 U.S.C. Section 924(d)(1) (firearms).

2. This Court has *in rem* jurisdiction over the defendant properties pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1355(b)(1)(B), incorporating 28 U.S.C. Section 1395, because the action accrued in this district.

3. This Court will have control over the defendant properties through service of arrest warrants *in rem*, which the United States will execute upon the defendant properties. *See*, Supplemental Rules G(3)(b) and G(3)(c).

4. Venue is proper in this district pursuant to: (i) 28 U.S.C. Section 1355(b)(1)(A) because acts giving rise to the forfeiture occurred in this district; and, (ii) 28 U.S.C. Section 1395 because the action accrued in this district.

5. On February 13, 2019, the defendant properties were seized at the Krems Avenue, Maple Heights, Ohio, residence of Darnell Emory pursuant to the execution of a state search warrant. The defendant properties are now in the custody of the federal government.

6. The Federal Bureau of Investigation (FBI) commenced an administrative forfeiture proceeding. A claim to the defendant \$102,412.00 in U.S. Currency was submitted in the administrative forfeiture proceeding by Darnell Emory, thereby requiring the filing of this judicial forfeiture action.

7. The defendant \$102,412.00 in U.S. Currency is subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(6) in that it constitutes proceeds traceable to illegal drug trafficking activities, and/or was used or was intended to be used in exchange for illegal

controlled substances, and/or was used or was intended to be used to facilitate illegal drug trafficking activities.

8. The defendant firearms are subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(11) in that they were used - or were intended to be used - to facilitate the transportation, sale, receipt, possession, or concealment of illegal controlled substances and/or drug proceeds.

9. The defendant firearms also are subject to forfeiture to the United States under 18 U.S.C. Section 924(d)(1) in that they were involved in or used in a knowing violation of 18 U.S.C. Section 922(g)(1).

10. 18 U.S.C. Section 922(g)(1) makes it unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year to possess, in or affecting commerce, any firearm or ammunition.

DESCRIPTION OF THE DEFENDANT FIREARMS

11. The following firearms are the defendant firearms in the instant case. Each of the firearms was manufactured outside of the state of Ohio:

- a.) Taurus 9mm pistol, serial number: TLM79086 with ammunition.
- b.) Taurus .357 revolver, serial number: KT18367 with ammunition.
- c.) Smith & Wesson 40 caliber pistol, serial number: DUH0271 with ammunition.

PRIOR CRIME PUNISHABLE BY IMPRISONMENT FOR A TERM EXCEEDING ONE YEAR

12. On or about January 23, 2004, Darnell Emory was convicted of trafficking in drugs with schoolyard specification in the Cuyahoga County Court of Common Pleas, Case Number: CR-03-443495.

FORFEITURE

13. The Northern Ohio Law Enforcement Task Force (NOLETF) began investigating the drug trafficking activities of Darnell Emory in 2018.

14. The investigation revealed that Emory – and the Drug Trafficking Organization (DTO) of which he was a member - was responsible for selling large quantities of cocaine in the Northern District of Ohio.

15. On February 13, 2019, NOLETF investigators – in cooperation with the South East Area Law Enforcement (SEALE) Narcotics and SEALE SWAT – executed a (state) search warrant at the Krems Avenue, Maple Heights, Ohio, residence of Darnell Emory. At approximately 7:00 a.m., the SEALE SWAT Team made entry into the residence, where they found Emory in the upstairs bedroom area.

16. Emory was secured and the residence was cleared. Emory stated to members of SEALE SWAT while they were securing him that there were guns and drugs in the house.

17. *Inter alia*, the following items were recovered as a result of the execution of the search warrant:

- a.) A bag containing more than two (2) kilograms of cocaine was recovered from the upstairs hall closet.
- b.) A bundle of U.S. currency was recovered between the bed mattresses in the master bedroom.
- c.) A box containing U.S. currency was recovered from the downstairs living room closet.
- d.) The defendant Taurus 9mm pistol, serial number: TLM79086 with loaded magazine, was recovered from the dining room buffet.
- e.) The defendant Taurus .357 revolver, serial number: KT18367, was recovered from the (northeast) bedroom closet.
- f.) A box of .357 ammunition was recovered in the dining room.

- g.) The defendant Smith & Wesson 40 caliber pistol, serial number: DUH0271 was recovered in the master bedroom.
- h.) The bag containing the more than two (2) kilograms of cocaine also contained a digital scale with residue, packaging materials, and latex gloves.
- i.) Seven (7) cell phones were found in the master bedroom.
- j.) Five (5) additional cell phones were found on Emory's person.
- k.) An electronic money counter was recovered on the living room floor.
- l.) Packaging materials were recovered in both the (northeast) bedroom and in the living room.

18. The currency recovered during the execution of the search warrant [i.e., between the bed mattresses in the master bedroom and in a box in the living room closet] totaled \$102,412.00 in U.S. Currency and is the defendant currency in the instant case.

19. During the execution of the search warrant, Emory was advised that he was not under arrest and was free to leave at any time. Emory verbally acknowledged his understanding of this and stated he did wish to speak with investigators. *Inter alia*, Emory stated the following:

- a.) Emory began by acknowledging ownership of the recovered cocaine, firearms, and currency.
- b.) Emory stated that the recovered currency was proceeds earned from selling cocaine to his drug customers.
- c.) Emory did not wish to speak about and/or identify his drug [cocaine] customers.
- d.) Emory advised that the recovered firearms belonged to him, and stated that he uses the firearms for protection because he was once robbed at gunpoint due to his associations and selling drugs.

20. A copy of the search warrant and the signed inventory were left with Emory when the investigators cleared the residence.

21. On March 27, 2019, a three-count Indictment was returned against Emory in Case No. 1:19-CR-170, United States District Court, Northern District of Ohio (Judge Solomon Oliver, Jr.). The Indictment was based upon the execution of the February 13, 2019 search warrant at Emory's Maple Heights, Ohio, residence and, particularly, charged defendant Emory as follows:

Count 1: Possession with Intent to Distribute Cocaine, in violation of 21 U.S.C. Section 841.

Count 2: Possessing a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. Section 924(c)(1)(A)(i).

Count 3: Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. Section 922(g).

22. The properties named for forfeiture in the instant (civil) case also are named for (criminal) forfeiture in the Indictment in N.D. Ohio Case No. 1:19-CR-170.

CONCLUSION

23. By reason of the foregoing, the defendant \$102,412.00 in U.S. Currency is subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(6) in that it constitutes proceeds traceable to illegal drug trafficking activities, and/or was used or was intended to be used in exchange for illegal controlled substances, and/or was used or was intended to be used to facilitate illegal drug trafficking activities.

24. By reason of the foregoing, the defendant firearms are subject to forfeiture to the United States under 21 U.S.C. Section 881(a)(11) in that they were used - or were intended to be used - to facilitate the transportation, sale, receipt, possession, or concealment of illegal controlled substances and/or drug proceeds.

25. By reason of the foregoing, the defendant firearms also are subject to forfeiture to the United States under 18 U.S.C. Section 924(d)(1) in that they were involved in or used in a knowing violation of 18 U.S.C. Section 922(g)(1).

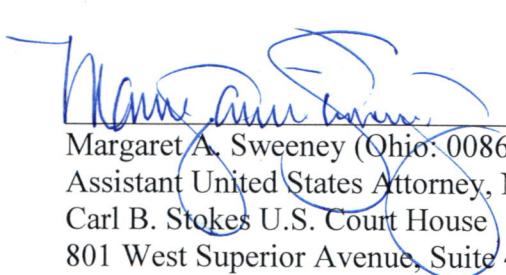
WHEREFORE, Plaintiff, the United States of America, requests that this Court enter judgment condemning the defendant properties and forfeiting them to the United States, and providing that the defendant properties be delivered into the custody of the United States for disposition according to law, and for such other relief as this Court may deem proper.

Respectfully submitted,

Justin E. Herdman
U.S. Attorney, Northern District of Ohio

By:

James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio
Carl B. Stokes U.S. Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113
216.622.3743 / Fax: 216.522.7499
James.Morford@usdoj.gov


Margaret A. Sweeney (Ohio: 0086591)
Assistant United States Attorney, N.D. Ohio
Carl B. Stokes U.S. Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113
216.622.3990 / Fax: 216.522.7499
Margaret.Sweeney@usdoj.gov

VERIFICATION

STATE OF OHIO)
) SS.
COUNTY OF CUYAHOGA)

I, James L. Morford, under penalty of perjury, depose and say that I am an Assistant United States Attorney for the Northern District of Ohio, and the attorney for the plaintiff in the within entitled action. The foregoing Complaint in Forfeiture is based upon information officially provided to me and, to my knowledge and belief, is true and correct.

James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio

Sworn to and subscribed in my presence this 21st day of May, 2019.



Notary Public

Anna J. Dudas
Notary Public, State of Ohio

My Commission Expires 12-5-2021

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

James L. Morford, Assistant U.S. Attorney - 400 U.S. Court House,
801 West Superior Avenue, Cleveland, Ohio 44113 - 216.622.3743

DEFENDANTS

\$102,412.00 U.S. Currency and (3) Firearms seized from Darnell Emory on 02/13/2019 pursuant to the execution of a search warrant
County of Residence of First Listed Defendant Cuyahoga County

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Steven Bradley, Esq., Marein & Bradley, 222 Leader Building - 526
Superior Avenue, Cleveland, Ohio 44114 - office: 216.781.6010

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	PROPERTY RIGHTS	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Fraud	LABOR	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 391 Truth in Lending	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 392 Other Personal Property Damage	<input type="checkbox"/> 720 Labor/Management Relations	<input type="checkbox"/> 850 Securities/Commodities/ Exchange
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 393 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 890 Other Statutory Actions
		<input type="checkbox"/> 394 Other: Habeas Corpus:	<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 891 Agricultural Acts
		<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 893 Environmental Matters
		<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 895 Freedom of Information Act
		<input type="checkbox"/> 442 Employment	IMMIGRATION	<input type="checkbox"/> 896 Arbitration
		<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
		<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 446 Amer. w/Disabilities - Other		
		<input type="checkbox"/> 448 Education		

Click here for: Nature of Suit Code Descriptions.

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from Another District (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation - Transfer	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File
---	---	--	---	--	--	---

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:
civil forfeiture action under 21 U.S.C. Sections 881(a)(6) & 881(a)(11) and 18 U.S.C. Section 924(d)(1)

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE Solomon Oliver, Jr.

DOCKET NUMBER 1:19-CR-170

DATE

05/30/2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

I.

Civil Categories: (Please check one category only).

1. General Civil
2. Administrative Review/Social Security
3. Habeas Corpus Death Penalty

*If under Title 28, §2255, name the SENTENCING JUDGE: _____

CASE NUMBER: _____

II.

RELATED OR REFILED CASES. See LR 3.1 which provides in pertinent part: "If an action is filed or removed to this Court and assigned to a District Judge after which it is discontinued, dismissed or remanded to a State court, and subsequently refiled, it shall be assigned to the same Judge who received the initial case assignment without regard for the place of holding court in which the case was refiled. Counsel or a party without counsel shall be responsible for bringing such cases to the attention of the Court by responding to the questions included on the Civil Cover Sheet."

This action is RELATED to another PENDING criminal case. This action is REFILED pursuant to LR 3.1.

If applicable, please indicate on page 1 in section VIII, the name of the Judge and case number.

III.

In accordance with Local Civil Rule 3.8, actions involving counties in the Eastern Division shall be filed at any of the divisional offices therein. Actions involving counties in the Western Division shall be filed at the Toledo office. For the purpose of determining the proper division, and for statistical reasons, the following information is requested.

ANSWER ONE PARAGRAPH ONLY. ANSWER PARAGRAPHS 1 THRU 3 IN ORDER. UPON FINDING WHICH PARAGRAPH APPLIES TO YOUR CASE, ANSWER IT AND STOP.

(1) **Resident defendant.** If the defendant resides in a county within this district, please set forth the name of such county
COUNTY: Cuyahoga

Corporation For the purpose of answering the above, a corporation is deemed to be a resident of that county in which it has its principal place of business in that district.

(2) **Non-Resident defendant.** If no defendant is a resident of a county in this district, please set forth the county wherein the cause of action arose or the event complained of occurred.
COUNTY:

(3) **Other Cases.** If no defendant is a resident of this district, or if the defendant is a corporation not having a principle place of business within the district, and the cause of action arose or the event complained of occurred outside this district, please set forth the county of the plaintiff's residence.
COUNTY:

IV.

The Counties in the Northern District of Ohio are divided into divisions as shown below. After the county is determined in Section III, please check the appropriate division.

EASTERN DIVISION

AKRON
 CLEVELAND
 YOUNGSTOWN

(Counties: Carroll, Holmes, Portage, Stark, Summit, Tuscarawas and Wayne)
(Counties: Ashland, Ashtabula, Crawford, Cuyahoga, Geauga, Lake, Lorain, Medina and Richland)
(Counties: Columbiana, Mahoning and Trumbull)

WESTERN DIVISION

TOLEDO

(Counties: Allen, Auglaize, Defiance, Erie, Fulton, Hancock, Hardin, Henry, Huron, Lucas, Marion, Mercer, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, Wood and Wyandot)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	) CASE NO.
)
Plaintiff,)
	) JUDGE
v.)
)
\$102,412.00 IN U.S. CURRENCY SEIZED)
FROM DARNELL EMORY ON 02/13/19)
PURSUANT TO THE EXECUTION OF A)
SEARCH WARRANT, and)
)
THREE (3) FIREARMS SEIZED FROM)
DARNELL EMORY ON FEBRUARY 13,)
2019, PURSUANT TO THE EXECUTION)
OF A SEARCH WARRANT,)
)
Defendants.	) PRAECIPE

The United States of America respectfully requests that the Clerk of this Court issue the attached Warrant of Arrest *in Rem* to the Federal Bureau of Investigation (FBI) pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Respectfully submitted,

Justin E. Herdman
U.S. Attorney, Northern District of Ohio

By:

James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio
Carl B. Stokes U.S. Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113
216.622.3743 / Fax: 216.522.7499
James.Morford@usdoj.gov

United States District Court

NORTHERN DISTRICT OF OHIO

WARRANT OF ARREST *IN REM*

TO: THE FEDERAL BUREAU OF INVESTIGATION AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, on May 30, 2019 a Complaint in Forfeiture was filed in this Court by Justin E. Herdman, United States Attorney for this District, on behalf of the United States, against:

CATS Asset ID No.: 19-FBI-003100: Taurus 9mm pistol, serial number: TLM79086 with ammunition.
Taurus .357 revolver, serial number: KT18367 with ammunition.
Smith & Wesson 40 caliber pistol, serial no.: DUH0271 with ammunition.

and WHEREAS, the defendant firearms are currently in the possession, custody, or control of the United States; and,

WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions directs the Clerk of the Court to issue a Warrant of Arrest *In Rem* for the arrest of the defendant firearms; and,

WHEREAS, Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions provides that the Warrant of Arrest *In Rem* must be delivered to a person or organization authorized to execute it;

YOU ARE COMMANDED to arrest the defendant firearms by serving a copy of this warrant on the custodian in whose possession, custody, or control the firearms are presently found, and to use whatever means may be appropriate to protect and maintain their custody until further order of this Court.

YOU ARE FURTHER COMMANDED to file the same in this Court with your return thereon.

WITNESS THE HONORABLE		UNITED STATES DISTRICT JUDGE AT
-----------------------	--	---------------------------------

DATE May 30, 2019	CLERK (BY) DEPUTY CLERK
----------------------	--------------------------------

Returnable 60 days after issue.

FEDERAL BUREAU OF INVESTIGATION

DISTRICT	DATE RECEIVED	DATE EXECUTED
PRINTED NAME	SIGNATURE	

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	) CASE NO.
)
Plaintiff,)
	) JUDGE
v.)
)
\$102,412.00 IN U.S. CURRENCY SEIZED)
FROM DARNELL EMORY ON 02/13/19)
PURSUANT TO THE EXECUTION OF A)
SEARCH WARRANT, and)
)
THREE (3) FIREARMS SEIZED FROM)
DARNELL EMORY ON FEBRUARY 13,)
2019, PURSUANT TO THE EXECUTION)
OF A SEARCH WARRANT,)
)
Defendants.	) PRAECIPE

The United States of America respectfully requests that the Clerk of this Court issue the attached Warrant of Arrest *in Rem* to the United States Marshals Service (USMS) pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

Respectfully submitted,

Justin E. Herdman
U.S. Attorney, Northern District of Ohio

By:

James L. Morford (Ohio: 0005657)
Assistant United States Attorney, N.D. Ohio
Carl B. Stokes U.S. Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113
216.622.3743 / Fax: 216.522.7499
James.Morford@usdoj.gov

United States District Court

NORTHERN DISTRICT OF OHIO

WARRANT OF ARREST *IN REM*

TO: THE UNITED STATES MARSHAL AND/OR ANY OTHER DULY AUTHORIZED LAW ENFORCEMENT OFFICER:

WHEREAS, on May 30, 2019 a Complaint in Forfeiture was filed in this Court by Justin E. Herdman, United States Attorney for this District, on behalf of the United States, against:

\$102,412.00 in U.S. Currency seized from Darnell Emory on February 13, 2019, pursuant to the execution of a search warrant.

CATS Asset ID No.: 19-FBI-002794

and WHEREAS, the defendant currency is currently in the possession, custody, or control of the United States; and,

WHEREAS, Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions directs the Clerk of the Court to issue a Warrant of Arrest *In Rem* for the arrest of the defendant currency; and,

WHEREAS, Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions provides that the Warrant of Arrest *In Rem* must be delivered to a person or organization authorized to execute it;

YOU ARE COMMANDED to arrest the defendant currency by serving a copy of this warrant on the custodian in whose possession, custody, or control the currency is presently found, and to use whatever means may be appropriate to protect and maintain its custody until further order of this Court.

YOU ARE FURTHER COMMANDED to file the same in this Court with your return thereon.

WITNESS THE HONORABLE		UNITED STATES DISTRICT JUDGE AT
DATE May 30, 2019	CLERK (BY) DEPUTY CLERK	
Returnable <u>60</u> days after issue.		

UNITED STATES MARSHALS SERVICE

DISTRICT	DATE RECEIVED	DATE EXECUTED
U.S. MARSHAL	SIGNATURE	

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See ["Instructions for Service of Process by U.S. Marshal"](#)

PLAINTIFF United States of America	COURT CASE NUMBER
DEFENDANT \$102,412.00 in U.S. Currency seized from Darnell Emory on February 13, 2019	TYPE OF PROCESS Warrant of Arrest in Rem

SERVE **AT** { NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC. TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
\$102,412.00 in U.S. Currency seized on February 13, 2019 (CATS Asset ID No.: 19-FBI-002794).
 ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW	Number of process to be served with this Form 285	1
James L. Morford, Assistant U.S. Attorney Office of the United States Attorney, Northern District of Ohio Carl B. Stokes U.S. Court House, 801 West Superior Avenue, Suite 400 Cleveland, Ohio 44113 - office: 216.622.3743	Number of parties to be served in this case	1
	Check for service on U.S.A.	

SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (*Include Business and Alternate Addresses, All Telephone Numbers, and Estimated Times Available for Service*):

Fold

Fold

\$102,412.00 in U.S. Currency seized from Darnell Emory on February 13, 2019, pursuant to the execution of a search warrant (CATS Asset ID No.: 19-FBI-002794).

Signature of Attorney other Originator requesting service on behalf of:	<input checked="" type="checkbox"/> PLAINTIFF	TELEPHONE NUMBER	DATE
	<input type="checkbox"/> DEFENDANT	216.622.3743	5/30/19

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY-- DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total number of process indicated. <i>(Sign only for USM 285 if more than one USM 285 is submitted)</i>	Total Process	District of Origin No. _____	District to Serve No. _____	Signature of Authorized USMS Deputy or Clerk	Date
--	---------------	---------------------------------	--------------------------------	--	------

I hereby certify and return that I have personally served, have legal evidence of service, have executed as shown in "Remarks", the process described on the individual, company, corporation, etc., at the address shown above on the individual, company, corporation, etc. shown at the address inserted below. I hereby certify and return that I am unable to locate the individual, company, corporation, etc. named above (See remarks below)

Name and title of individual served (if not shown above)	<input type="checkbox"/> A person of suitable age and discretion then residing in defendant's usual place of abode
--	--

Address (complete only different than shown above)	Date	Time
	<input type="checkbox"/> am	<input type="checkbox"/> pm
	Signature of U.S. Marshal or Deputy	

Service Fee	Total Mileage Charges including endeavors)	Forwarding Fee	Total Charges	Advance Deposits	Amount owed to U.S. Marshal* or (Amount of Refund*)
					\$0.00

REMARKS:

PRINT 5 COPIES:	1. CLERK OF THE COURT 2. USMS RECORD 3. NOTICE OF SERVICE 4. BILLING STATEMENT*: To be returned to the U.S. Marshal with payment, if any amount is owed. Please remit promptly payable to U.S. Marshal. 5. ACKNOWLEDGMENT OF RECEIPT	PRIOR EDITIONS MAY BE USED
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	) CASE NO.
)
Plaintiff,)
	) JUDGE
v.)
)
\$102,412.00 IN U.S. CURRENCY SEIZED)
FROM DARNELL EMORY ON)
FEBRUARY 13, 2019, PURSUANT TO)
THE EXECUTION OF A SEARCH)
WARRANT, and)
)
THREE (3) FIREARMS SEIZED FROM)
DARNELL EMORY ON FEBRUARY 13,)
2019, PURSUANT TO THE EXECUTION)
OF A SEARCH WARRANT,)
)
Defendants.	) NOTICE OF FORFEITURE

To: Darnell Emory
c/o Steven Bradley, Esq. - Attorney for Darnell Emory
Marein & Bradley
222 Leader Building - 526 Superior Avenue
Cleveland, Ohio 44114-1210

The above-captioned forfeiture action was filed in U.S. District Court on May 30, 2019.

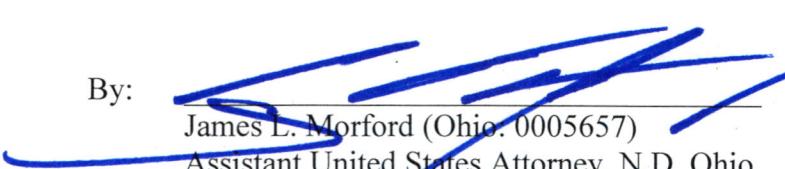
A copy of the Complaint in Forfeiture is attached. If you (Darnell Emory) claim an interest in the defendant properties, the following applies.

Pursuant to Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, you are required to file with the Court, and serve upon James L. Morford, plaintiff's attorney, whose address is United States Attorney's Office, 400 United

States Court House, 801 West Superior Avenue, Cleveland, Ohio 44113, a verified claim to the defendant properties within 35 days after your receipt of the complaint. The claim shall contain the information required by Rule G(5) of the said Supplemental Rules. Additionally, you must file and serve an answer to the complaint, or a motion under Rule 12 of the Federal Rules of Civil Procedure, within 20 days after the filing of the claim, exclusive of the date of filing. If you fail to do so, judgment will be taken for the relief demanded in the complaint.

Respectfully,

Justin E. Herdman
U.S. Attorney, Northern District of Ohio

By: 

James L. Morford (Ohio. 0005657)
Assistant United States Attorney, N.D. Ohio
Carl B. Stokes U.S. Court House
801 West Superior Avenue, Suite 400
Cleveland, Ohio 44113
216.622.3743 / Fax: 216.522.7499
James.Morford@usdoj.gov

Date: May 30, 2019